IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 7821 of 2007(F)

PETITIONERS:

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1. RAJAGOPALAN NAIR,LAKSHMI VILASOM, POOTHANKARA,ELAMANNOOR P.O.

2. P.K.NARAYANA,PERINGALATHARAYIL VEEDU, KUNNIDA,CHELIKKUZHI P.O.

3. BINU THOMAS,THYVILAYIL PUTHEN VEEDU, VAYALA.

4. D.ANILKUMAR,MANKANDATHIL VEEDU, KALANJOOR P.O,PATHANAMTHITTA DISTRICT.

5. RADHAKRISHNAN NAIR,EATTYVILA VEEDU, KURUMBAKKARA P.O,KURUMBAKKARA.

6. K.RAJAN,KUZHIUYILETH VEEDU,MUNDAPPALLY, MANAKKALA P.O.

7. MANOHARAN NAIR,CHELIKUZHI THEKKETHIL, KOZHANCHERI.

8. MANOJ KUMAR,PUNCHALAKKADU,POOTHANKARA.

9. KAMALASUDHAN,PULAVARATHINKAL, MEHUVELI P.O.,MEZHUVELI.

10. JAYAN N.J,JAYASRE BHAVANAM,ELAMANNOOR P.O., POOTHANKARA,(KUKKATHUTHARA).

11. N.RAVEENDRAN,AJI BHAVAN,MANAKKALA P.O,
ADOOR.

12. K.A.THOMAS,KALLUPARAMBIL VEEDU,
KURANGUMALA.

13. SHERIN GEORGE,PAHUMANNIL VEEDU,
THEKKEMALA,KOZHANCHERI P.O.

14. SASIDHARAN NAIR,THOZHIVILAYIL VEEDU,
MELOODU P.O.

15. C.A.ASOKAN,ASOKA BHAVANAM,KALANJOOR P.O,
KALANJOOR.

16. ANIL KUMAR,VENGAVILAYIL,ELAMANNOOR P.O,
MANGAD.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.V.VARGHESE

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,PATHANAMTHITTA.

2. THE DISTRICT PANCHAYAT,PATHANAMTHITTA
REPRESENTED BY ITS SECRETARY.

3. THE EXECUTIVE ENGINEER,LOCAL SELF
GOVERNMETN DEPARTMENT,DISTRICT PANCHAYAT,
PATHANAMTHITTA.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO
BYGOVERNMENT PLEADER SRI. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 7821of 2007

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Dated this the 15th day of June, 2007

JUDGMENT

Case of the petitioners in brief is as follows:

Petitioners had completed various constructions proposed by the District Panchayat in 2005-2006. They were included in the Special SGRY Scheme. 50% of the expenditure is to be met from the plan funds of the District Panchayat. The remaining 50% will be paid by way of supply of food grains. Government issued Ext.P2 Circular, by which Panchayats were permitted to utilize funds from their plan funds to meet the requirements for the works taken up under this scheme. Petitioners were not paid the whole amount so far. They have taken loan from the private financiers at exorbitant rates of interest and they are on the brink of total financial break down.

2. Counter affidavits are filed by the respondents and reply affidavit is also filed. Learned Government Pleader on instructions submits that it is true that the food grains were not made available. In such circumstances, it is not in dispute that Ext.P2 will apply enabling

payments to be made by the Panchayat. Learned counsel for the petitioners submits that unless the contracts of the petitioner are also included in the present years project, the amounts will not be paid as payments can be made only if they are included in the present year. It is not in dispute that the petitioners works were completed in 2005 and 2006. Learned counsel for the Panchayat Sri. S.P.Aravindakshan Pillay points out that the Panchayat has to undertake new works and the petitioners will be paid subject to availability of funds. Counsel for the petitioner submits that any way the petitioners have fully completed the work. Having regard to all facts I feel that this is a case where the contract executed by the petitioners has to be included among this years projects, so that payments can be made, of course subject to availability of funds.

The writ petition is disposed of directing the second respondent to include the works, which are subject matter of this case, as projects of this year and to effect payments due to the petitioners in accordance with law on the basis of the availability of funds.

sb. (K.M. JOSEPH, JUDGE)